

REMARKS

Claims 53-75 are pending. Claims 53, 67, and 69 are the independent claims.

Claims 67 and 68 have been amended to address the rejections under Section 112, second paragraph. With regard to claim 68, the action states that: "it is unclear how the second mold can contact the periphery of the first mold and yet define a mold cavity between the molds." We point out that such a situation is clearly illustrated in Figure 1 of the application. Specifically, Figure 1 shows second mold 6 contacting the periphery of first mold 2 to form a mold cavity that contains setting material 4.

All claims stand rejected as being anticipated by, or obvious over, U.S. Patent No. 3,940,304 ("Schuler"). We traverse.

Among other limitations, independent claims 53 and 67 each recite "supplying a non-circular first mold substantially in the shape of the frame chosen the wearer." Independent claim 69 similarly recites "supplying a non-circular first mold substantially in the shape of the lens to be obtained" where "the lens to be obtained" is that "of a frame chosen by the wearer." As explained in applicants' specification, this makes it possible to limit the amount of setting material used to form the lens and optimize the thickness of the final lens as a function of the frame and the user's prescription. See, e.g., page 2, line 32, through page 3, line 33, and page 4, line 34, through page 5, line 3 of applicants' specification. For example, it makes it possible to provide a lens which, for an equal power, is thinner than lenses adapted to the shape of the frame by prior art techniques that trim finished glasses - thereby reducing weight and increasing wearer comfort.

We submit that Schuler neither describes or suggests this feature, nor does he recognize its advantages.

The action points to col. 5, lines 53-57 to find the claimed non-circular first mold:

"[T]he disclosure of the rubber spacer having a non-circular cross-section at col. 5, lines 53-57 inherently would mean that the molds would also have to be non-circular, otherwise they would not fit on the spacer/gasket." (Action at page 2.)

However, this section of Schuler simply states the spacer/gasket “may assume any desired transverse cross-sectional configuration, as, for example, rectangular, square, elliptical, etc..” Schuler at col. 5, lines 53-57. It does not say that the cross-sectional configuration “is chosen substantially in the shape of the frame chosen the wearer,” as required by the claims.

The action also points to col. 3, lines 43-46 of Schuler:

“Schuler discloses ... that the lens would not require any grinding or polishing (see disclosure at col. 3, lines 43-46 - hence, the lens is submitted to have been molded in the desired shape, which inherently would mean the shape of the frame which the lens would be fitted in)...” (Action at pages 2-3.)

But this simply mischaracterizes what Schuler in fact discloses. The cited section of Schuler states:

“Due to limitations in modern grinding and polishing equipment for plastics, the front, or convex surface of the lens is preferably cast into its finished configuration at the time of manufacture, its surface requiring no grinding or polishing. The concave surface, however, is preferably formed in a variety of diopters which encompass a range of plus and minus corrections. Any given particular prescription may be prepared by selecting a lens with cast-in optics closed to the prescribed dimensions followed by grinding and polishing the concave surface according to the exact prescription required. It will be evident that in certain instances the configuration of the lens will conform to the desired prescription without further grinding or polishing.” (Schuler at col. 3, lines 32-46.)

In other words, the grinding or polishing in this section refers to the front and back surfaces of the lens, not trimming the edges of the lens so that it fits into a desired frame. Therefore, even if the curvature of the front and back surfaces of the cast lens corresponds to the desired prescription in a given instance - there is nothing in this section that suggests a first mold “substantially in the shape of the frame chosen the wearer,” as claimed. To the contrary, Schuler does not even mention the word “frame.”

In fact, Schuler goes on to conclude that even when his lens requires no further grinding or polishing, it is a finished blank that is still an “uncut lens,” meaning that the edges of the lens have not yet been trimmed for mounting onto a frame.

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Page : 8 of 8

Attorney's Docket No.: 08641-021001 / 16318US
ESS 83

“The plastic lenses of the present invention may be produced as a finished blank, or so-called ‘uncut lens’ or as an unfinished form, a so-called semi-finished lens, which may be subsequently ground and polished, if necessary, using the same technology and major equipment utilized on crown glass.” (Schuler at col. 7, lines 29-34.)

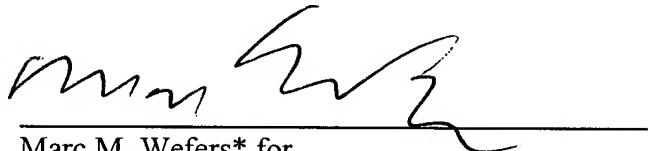
Because Schuler clearly contemplates subsequent trimming of his lens, even for a finished blank, we conclude that the Office Action must be mistaken when it states “the lens is submitted to have been molded in the desired shape, which inherently would mean the shape of the frame which the lens would be fitted in.” Accordingly we ask that the rejection be withdrawn and the application allowed.

Enclosed is a check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

10/12/04



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***See attached document certifying that Marc M. Wefers has limited recognition to practice before the U.S. Patent and Trademark Office under 37 C.F.R. § 10.9(b).**